

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In re:

BKY 17-34012

Chapter 12

Timothy Meyer,

Debtors.

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**NOTICE OF HEARING AND MOTION FOR APPLICATION FOR APPROVAL OF  
TRUSTEE'S FEES AND EXPENSES**

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TO: All parties in interest.

1. Kyle L. Carlson, Chapter 12 Trustee, applies for approval of Trustee's fees and expenses, and provides notice.

2. The court will hold a hearing on this motion at 9:30 a.m. on February 27, 2020 in Courtroom 7 West, 7<sup>th</sup> Floor, 300 S 4<sup>th</sup> St, Minneapolis, Minnesota.

3. Any response to this motion must be filed and served by delivery not later than February 22, 2020, which is five days before the time set for hearing (including Saturdays, Sundays, and holidays). **UNLESS A RESPONSE OPPOSING THE APPLICATION IS TIMELY FILED, THE COURT MAY GRANT THE APPLICATION WITHOUT HEARING.**

4. This court has jurisdiction over this application pursuant to 28 U.S.C. §§ 157 and 1334. The motion is brought pursuant to 11 U.S.C. §§ 326 & 330.

5. The petition commencing this case was filed on December 29, 2017. Kyle L. Carlson was appointed as Trustee pursuant to 11 U.S.C. §1202(a), and serves on a case-by-case basis. A Chapter 12 Plan was last confirmed on September 29, 2018.

6. To date, Trustee has made total payments in the amount of \$85,201.20. The Chapter 12 plan provides that "the debtor(s) shall pay an amount equal to five percent (5%) of all payments disbursed by the Chapter 12 trustee as an estimated payment and the trustee shall hold the fee until the trustee's fees and expenses are applied for and approved by the court." Pursuant to 11 U.S.C. §§ 330(a) & 326(b), the Trustee may receive reimbursement for actual, necessary expenses, plus five percent of all payments made under the plan as reasonable compensation for actual, necessary services provided. *See In re Daniels*, case no. 13-30010 (Bankr. W.D. La., Feb. 11, 2016).

7. In connection with the bankruptcy case, the Trustee has performed actual and necessary services in the exercise and furtherance of the Trustee's duties under the Bankruptcy Code, including investigation of the debtor(s) financial affairs, conducting a 341 meeting of creditors, attendance at hearings, negotiations for settlement of the objections/issues to the filed plan(s), receipt and disbursement of the debtor(s)' payments under the confirmed plan, and

reviewing debtors' continuing financial affairs.

8. The Trustee has not filed any prior applications for fees and expenses in this case. The Trustee currently has available funds on hand in the amount of \$4,230.06 to pay the Trustee's fees and expenses.

9. The Trustee requests \$4,260.06 for trustee's fees for actual, necessary services provided by Trustee in this case, which is 5% of the total plan payments made by Trustee. The Trustee also requests \$86.70 for actual costs and expenses incurred on behalf of the Trustee during that time, including the following:

Copies:	\$62.50	(250 copies x \$0.25)
Postage:	<u>\$24.20</u>	
Total:	\$86.70	

WHEREFORE, the Trustee requests the Court to enter an Order:

1. Allowing the Trustee compensation in the amount of \$4,260.06;
2. Allowing the Trustee expenses in the amount of \$86.70;
3. Allowing the Trustee to pay forthwith to the Trustee the sum of \$4,260.06 for compensation and \$86.70 for reimbursement of expenses.

Dated: February 4, 2020

/s/ Kyle L. Carlson  
Kyle L. Carlson  
Chapter 12 & 13 Trustee  
PO Box 519  
Barnesville, MN 56514  
218-354-7356

#### VERIFICATION

I, Kyle L. Carlson, chapter 12 trustee, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: February 4, 2020

/s/ Kyle L. Carlson  
Kyle L. Carlson, Trustee

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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**UNSWORN DECLARATION FOR PROOF OF SERVICE**

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The undersigned, being an employee of the chapter 12 trustee, declares that on the date indicated below, I served the attached NOTICE OF HEARING AND MOTION FOR APPLICATION FOR APPROVAL OF TRUSTEE'S FEES AND EXPENSES upon all entities named below by first class mail postage prepaid and to any entities who are Filing Users, by automatic e-mail notification pursuant to the Electronic Case Filing System:

Timothy Meyer  
38632 390TH AVE  
HERON LAKE, MN 56137

U.S. ATTORNEY  
U.S. COURTHOUSE  
300 S 4TH STREET  
SUITE 600  
MINNEAPOLIS, MN 55415

ALL CREDITORS ON ATTACHED MATRIX

And I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: February 4, 2020

/s/ Jamie Swenson  
Jamie Swenson  
Chapter 12 Office

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In re:

BKY 17-34012

Chapter 12

Timothy Meyer,

Debtors.

**ORDER**

The above-entitled matter came before the undersigned United States Bankruptcy Judge with respect to the fee application for compensation and expenses of the Chapter 12 Trustee.

IT IS ORDERED THAT:

1. Trustee is allowed compensation in the amount of \$4,260.06;
2. Trustee is allowed reimbursement of expenses in the amount of \$86.70;
3. Trustee is authorized to pay forthwith to the Trustee the sum of \$4,260.06 for compensation and \$86.70 for reimbursement of expenses.

Dated:

\_\_\_\_\_  
United States Bankruptcy Judge

Label Matrix for local noticing  
0864-3  
Case 17-34012  
District of Minnesota  
St Paul  
Tue Feb 4 11:43:39 CST 2020

Dunlap & Seeger, P.A.  
P.O. Box 549  
Rochester, MN 55903-0549

St Paul  
200 Warren E Burger Federal Building and  
US Courthouse  
316 N Robert St  
St Paul, MN 55101-1465

(p)BANK OF AMERICA  
PO BOX 982238  
EL PASO TX 79998-2238

Cargill, Incorporated  
Attn Lynne Benson  
15407 McGinty Road West  
Wayzata, MN 55391-2399

Hartberg Medical Clinic  
2170 Hospital Dr  
Windom MN 56101-1287

Lindquist & Vennum LLP  
Attn: Charles Nelson  
80 S Eighth St  
Minneapolis MN 55402-2274

MN Dept of Revenue  
551 Bankruptcy Section  
PO Box 64447  
Saint Paul MN 55164-0447

Sanford Home Medical Equipment  
585 2nd Ave N  
Windom MN 56101-1927

US Trustee  
1015 US Courthouse  
300 S 4th St  
Minneapolis, MN 55415-3070

Cargill, Inc.  
2509 E. 45th Streete N.  
Sioux Falls, SD 57104

Hawkins Ash CPAs  
3720 Nottingham Dr NW  
Suite 100  
Rochester, MN 55901-3199

Bank of America  
NC4-105-03-14  
PO Box 26012  
Greensboro NC 27420-6012

Cargill Inc  
PO Box 766  
Pipestone MN 56164-0766

Discover  
PO Box 3025  
New Albany OH 43054-3025

Internal Revenue Service  
PO Box 7346  
Philadelphia PA 19101-7346

Louise M Meyer  
38632 390th Ave  
Heron Lake MN 56137-2038

PHI Financial Services  
7100 NW 62 Ave  
PO Box 1050  
Johnston IA 50131-9415

State of Minnesota, Department of Revenue  
Minnesota Revenue  
PO Box 64447-BKY  
St Paul, MN 55164-0447

United Prairie Bank  
Jeffrey A Peterson  
1010 W St Germain Ste 500  
St Cloud MN 56301-4162

Dunlap & Seeger, P.A.  
30 3rd Street SE, Suite 400  
PO Box 549  
Rochester, MN 55903-0549

United Prairie Bank  
10 Firestone Drive  
Suite  
#100  
Mankato, MN 56001-7036

Bank of America  
PO Box 15796  
Wilmington DE 19886-5796

Cargill, Inc.  
2509 E 54th St N,  
Sioux Falls, SD 57104-5563

Discover Bank  
Discover Products Inc  
PO Box 3025  
New Albany, OH 43054-3025

Lincare Inc  
PO Box 1817  
North Sioux City SD 57049-1817

Lynne Benson  
Cargill, Incorporated  
15407 McGinty Road West  
Wayzata, MN 55391-2399

Sanford  
PO Box 5074  
Sioux Falls SD 57117-5074

Tim Meyer Trucking LLC  
38632 390th Ave  
Heron Lake MN 56137-2038

Windom Area Hospital  
PO Box 339  
Windom MN 56101-0339

Kyle Carlson  
PO Box 519  
Barnesville, MN 56514-0519

Paul W. Bucher  
Dunlap & Seeger  
30 Third Street SE, Suite 400  
PO Box 549  
Rochester, MN 55903-0549

Timothy Arlen Meyer  
38632 390th Ave  
Heron Lake, MN 56137-2038

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Bank of America  
PO Box 982234  
El Paso TX 75285-1001

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Peterson & Associates Auctions

(d)Cargill Incorporated  
PO Box 766  
Pipestone MN 56164-0766

End of Label Matrix	
Mailable recipients	32
Bypassed recipients	2
Total	34